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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 TRACEY BROWN,

12 Defendant.

Case No. 2:11-cr-0334-APG-GWF

**ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION ON MOTION TO
SUPPRESS**

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14 On January 17, 2013, defendant Tracey Brown filed a motion [Dkt #54] to (1) suppress
15 evidence obtained from a July 26, 2011 traffic stop of a vehicle in which he was a passenger, and
16 (2) suppress an identification of Brown by a potential witness. After briefing and an evidentiary
17 hearing on the Motion, on October 4, 2013 Magistrate Judge Foley entered his Report and
18 Recommendation [Dkt #93] recommending that the motion should be denied. Brown filed an
19 Objection to the Report and Recommendation [Dkt #94].

20 Pursuant to Local Rule IB 3-2(b), the court has conducted a *de novo* review of the motion,
21 Report and Recommendation, and related papers. The court finds no reason to overturn
22 Magistrate Judge Foley's Report and Recommendation. Further, with regard to the issue whether
23 Defendant Brown has standing to challenge the search of the vehicle [Dkt. #93 at 6:8-7:13],
24 Defendant Brown notes in his Objection that he does not challenge the search of the vehicle, but
25 rather challenges only the initial stop of the vehicle. [Dkt. #94 at 4:15-25]. Because the initial
26 stop was valid, this section of the Report and Recommendation may be considered *dicta*.
27 Nevertheless, the Court agrees with Magistrate Judge Foley's analysis therein. Accordingly,
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Dated: December 9, 2013.

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